



City of El Paso – City Plan Commission Staff Report

Amendment to Title 19 relating to the Development Coordinating Committee

The City Manager has directed staff in several departments to implement application processing changes and code amendments that are intended to streamline and simplify the land development review process.

Dedication and vacation of rights-of-way and easements are applications that only require review by certain affected departments (transportation, utilities, abutting public facilities, etc.) and generally do not need review by the larger group of departments. The affected departments will receive the application information, and will provide written comments and recommendations to the Planning case managers for inclusion in the written staff report to the City Plan Commission.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.10 (DEDICATION, CONSTRUCTION REQUIREMENTS AND CITY PARTICIPATION), AND CHAPTER 19.15 (ROADWAYS) OF THE EL PASO CITY CODE TO REMOVE REFERENCES TO THE DEVELOPMENT COORDINATING COMMITTEE. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by providing adequate public facilities; and,

WHEREAS, the City Plan Commission has recommended approval of the amendments, and the El Paso City Council finds that the amendments proposed herein will further protect and provide for the public health, safety, morals and general welfare of the community, and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 19, Subdivisions, Chapter 19.10, Dedication, Construction Requirements, and City Participation, Section 19.10.020, In General, Paragraph A, Dedication and Construction Improvements, Subparagraph 3, Application Procedure, of the El Paso City Code, be amended as follows:

19.10.020 In general.

A. Dedication and Construction Improvements,

3. Application Procedure.

a. General Provisions. Upon receipt of an application for metes and bounds dedication of a public easement or right-of-way, the City Manager or designee shall determine whether the application, subject to any written conditions and recommendations, accompanied with an explanation of their recommendation, shall be presented to the city plan commission. The property owner and surveyor shall be notified and given the comments at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.

b. Distribution and Review. Upon receipt of an application for metes and bounds dedication of a public easement or right-of-way, the City Manager or designee shall distribute the application to affected departments. Written comments and recommendations on the application for metes and bounds dedication of a public easement or right-of-way shall be submitted to the City Manager or designee within one week from the date of distribution. All objections to the application shall be submitted in writing. Comments and recommendations not submitted or received within the specified time period shall result in comments not being considered by the City Manager or designee, and may require that the affected department's late comments and recommendations be presented directly to the city plan commission.

The recommendation of the City Manager or Designee, accompanied with an explanation of their recommendation and comments submitted by staff, shall be presented to the city plan commission in a written report.

A copy of this report shall be provided to the property owner and surveyor at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.

Section 2. That Title 19, Subdivisions, Chapter 19.15, Roadways, Section 19.15.040, Public Right-of-way, Alley or Public Easement Vacation, Paragraph E, Procedure and Notice, Subparagraph 1, Procedure, of the El Paso City Code, be amended as follows:

19.15.040 - Public right-of-way, alley, or public easement vacation.

E. Procedure and notice.

1. Procedure. Upon acceptance of an application for vacation of public easements, alleys and rights-of-way, the City Manager or designee shall distribute the application to affected departments. Written comments and recommendations on the application shall be submitted by city staff to the City Manager or designee within one week from the date of distribution. All objections to the application shall be submitted in writing. Comments and recommendations not submitted or received within the specified time period shall result in comments not being considered by the City Manager or designee, and shall require that the affected member's late comments and recommendations be made directly to the city plan commission.

The City Manager or designee shall present the application to the city plan commission with a recommendation of approval, approval with modifications or disapproval, subject to any written comments and recommendations.

The City Manager or designee shall compile a report of the written comments and recommendations of city staff, which shall be submitted to the city plan commission. A copy

of this report shall be provided to the property owners making the application at least three working days prior to the commission hearing.

Upon a favorable recommendation from the city plan commission on the application to vacate a public easement, the City Manager or designee shall forward the information to the city attorney for preparation of the vacation ordinance. The City Manager or designee shall forward the request to the city council for finalization.

Upon a favorable recommendation from the city plan commission on the vacation of alleys and rights-of-way, the City Manager or designee shall forward the information to the city attorney for preparation of the vacation ordinance and for securing the necessary appraisal.

Upon completion of establishing the market value of the public easement, alley or rights-of-way, the City Manager or designee shall forward the request to the city council for finalization.

Section 3. Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ of _____ 2012

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Mathew McElroy,
Deputy Director
Planning & Economic Development

Lupe Cuellar
Assistant City Attorney